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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 BANK OF AMERICA, N.A., SUCCESSOR BY
11 MERGER TO BAC HOME LOANS
12 SERVICING, LP FKA COUNTRYWIDE
13 HOME LOANS SERVICING LP,

Case No: 2:16-cv-00338-JCM-NJK

14 Plaintiff,
15 vs.
16 PARK AVENUE HOMEOWNERS'
ASSOCIATION; and RED ROCK FINANCIAL
SERVICES, LLC,
17 Defendants.

18 **STIPULATION AND ORDER OF FINAL
19 JUDGMENT AND QUIET TITLE**

20 Plaintiff Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP FKA
21 Countrywide Home Loans Servicing, LP (**BANA**) and defendants Park Avenue Homeowners
22 Association (**Park Avenue**) and Red Rock Financial Services, LLC (**Red Rock**), stipulate as follows:

23 1. This matter relates to real property located 35 E. Agate Avenue, Unit # 307, Las Vegas,
24 Nevada 89123, APN 177-21-219-190 (the **Property**). The property is more specifically described as:

25 **PARCEL I:**

26 ONE (1) ALLOCATED INTEREST (EXCEPT ASSOCIATION PROPERTY) AS TENANT
27 IN COMMON IN THE COMMON ELEMENTS WITHIN PHASE 3 OF PARK AVENUE
CONDOMINIUMS UNIT 3 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 110 OF
PLATS, PAGE 58, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK
COUNTY, NEVADA, AS PHASES ARE ANNEXED, THE ALLOCATED INTEREST FOR
EACH UNIT WILL BE A FRACTION, THE NUMERATOR OF WHICH WILL BE ONE
(1), AND THE DENOMINATOR, OF WHICH WILL BE THE TOTAL OF ALL UNITS IN
ALL PHASES THAT BECOME SUBJECT TO THE DECLARATION.

1 EXCEPTING THEREFROM ALL LIVING UNITS AND ASSOCIATION PROPERTY IN
2 PHASE 3 OF PARK AVENUE CONDOMINIUMS UNIT 3

3 AND RESERVING THEREFROM THE RIGHT OF POSSESSION OF ALL THOSE
4 AREAS DESIGNATED AS LIMITED COMMON ELEMENTS AS SHOWN UPON THE
5 PLAT REFERRED TO ABOVE.

6 AND FURTHER RESERVING THEREFROM FOR THE BENEFIT OF THE OWNERS OF
7 CONDOMINIUMS IN SUBSEQUENT PHASES, NON-EXCLUSIVE EASEMENT ON
8 OVER AND ACROSS THE ASSOCIATION AREAS AS DEFINED AND SHOWN UPON
9 THE PLAT REFERRED TO ABOVE FOR INGRESS, EGRESS AND RECREATIONAL
10 USE, SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND
11 RESTRICTIONS FOR PARK AVENUE CONDOMINIUMS A COMMON INTEREST
12 CONDOMINIUM DEVELOPMENT RECORDED AUGUST 3, 2001 IN BOOK 20010803
13 AS DOCUMENT NO 00962 AS THE SAME MAY FROM TIME TO TIME BE AMENDED
14 AND/OR SUPPLEMENTED TO WHICH REFERENCE IS HEREAFTER MADE.

15 PARCEL II:

16 LIVING UNIT 307 IN BUILDING 6 OF PARK AVENUE CONDOMINIUMS UNIT 3 AS
17 SHOWN BY MAP THEREOF ON FILE IN BOOK 110 OF PLATS, PAGE 58 AND AS
18 SHOWN BY AMENDED PLAT OF A PORTION OF "PARK AVENUE CONDOMINIUMS
19 - UNIT 3" ON FILE IN BOOK 116 OF PLATS, PAGE 100 IN THE OFFICE OF THE
20 COUNTY RECORDER OR CLARK COUNTY, NEVADA.

21 PARCEL III:

22 THE EXCLUSIVE RIGHT TO USE, POSSESSION AND OCCUPANCY OF THOSE
23 PORTIONS OF THE LIMITED COMMON ELEMENTS DESCRIBED IN SECTION 2.3 OF
24 THE COVENANTS, CONDITIONS, AND RESTRICTIONS, AND DEPICTED AS
25 GARAGE SPACE G49 WHICH ARE APPURTEnant TO AND FOR THE EXCLUSIVE
26 USE OF PARCEL TWO.

27 PARCEL IV:

28 A NON-EXCLUSIVE EASEMENT ON AND OVER THE ASSOCIATION PROPERTY (AS
29 DEFINED IN THE DECLARATION) FOR ACCESS, USE, OCCUPANCY, ENJOYMENT,
30 INGRESS, EGRESS AND USE OF THE AMENITIES LOCATED THEREON, SUBJECT
31 TO THE TERMS AND PROVISION OF THE DECLARATIONS, THIS EASEMENT IS
32 APPURTEnant TO PARCEL ONE (1) TWO (2) AND THREE (3) ABOVE DESCRIBED.

33 APN: 177-21-219-190

34 2. BANA is the beneficiary of record of a Deed of Trust that encumbers the Property and
35 was recorded on February 9, 2006, as Document Number 20060209-0002956 in the Official Records
36 of Clark County, Nevada (the **Deed of Trust**).
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1 3. On September 10, 2012, Park Avenue recorded a Foreclosure Deed as Document Number
2 20120910-0000474 of the Official Records of Clark County, Nevada (the **HOA Foreclosure Deed**),
3 reflecting that Park Avenue purchased the Property at a foreclosure sale of the Property held
4 September 5, 2012 (the **HOA Sale**).

5 4. On February 18, 2016, BANA initiated a quiet title action against Park Avenue and Red
6 Rock in the United States District Court, District of Nevada, Case No. 2:16-cv-00338-JCM-VCF (the
7 **Quiet Title Action**).

8 5. BANA and Park Avenue have entered a confidential settlement agreement in which they
9 have settled all claims between them in this case.

10 6. Among other things, Park Avenue has transferred any and all interest it acquired as a
11 result of the HOA Sale and HOA Foreclosure Deed to BANA, as reflected by the quit-claim deed
12 attached hereto as Exhibit A.

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1 7. Among other things, the parties agree that title to the Property is quieted in BANA's
2 favor. Park Avenue and Red Rock disclaim all right, title, or interest in the Property as a result of the
3 HOA Sale and the HOA Foreclosure Deed.

4 Dated: February 6, 2018.

5 **AKERMAN LLP**

6 /s/ Jamie K. Combs

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11 *Attorneys for Plaintiff Bank of America, N.A.*

12
13 Dated: February 6, 2018.

14
15 **PENGILLY LAW FIRM**

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17 /s/ Elizabeth B. Lowell

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22 *Attorney for Defendant Park Avenue
Homeowners Association*

23 Dated: February 6, 2018.

24 **KOCH & SCOW LLC**

25 /s/ Steven B. Scow

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28 *Attorneys for Defendant Red Rock
Financial Services, LLC*

ORDER

Based on the above stipulation between plaintiff Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP FKA Countrywide Home Loans Servicing, LP (**BANA**) and Defendants Park Avenue Homeowners Association (**Park Avenue**) and Red Rock Financial Services, LLC (**Red Rock**), the Parties' agreement, and good cause appearing therefore,

IT IS ORDERED that title to the real property located 35 E. Agate Avenue, Unit # 307, Las Vegas, Nevada 89123, APN 177-21-219-190 (the **Property**) is quieted in favor of BANA.

IT IS FURTHER ORDERED that all claims in this case are dismissed with prejudice, each side to bear its own attorney fees and costs. This is the final judgment of this Court.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT JUDGE

February 8, 2018

DATED: _____

AKERMAN LLP

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